

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN BENEDETTI,

Defendant.

Case No. 18-03055-01-CR-S-MDH

MOTION FOR DETENTION

Comes now the United States of America, by and through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and the undersigned Assistant United States Attorney, and hereby moves this Court to order the detention of the defendant, JOHN BENEDETTI, and states the following in support of the motion:

1. An indictment has been filed charging the defendant with being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1).
2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions “will reasonably assure the appearance of such person as required and the safety of any other person and the community” if the attorney for the Government moves for such a hearing and the case involves:

“(E) any felony that is not otherwise a crime of violence that involves... the possession or use of a firearm... .”
3. The defendant has been previously convicted of multiple counts of distributing controlled substances and possession with intent to distribute a controlled substance.

4. The defendant was arrested during the execution of a search warrant for evidence of trafficking methamphetamine. Both marijuana and methamphetamine were seized during the search of the defendant's residence.
5. As members of law enforcement entered the defendant's home to search the residence, the defendant fired a shot from a handgun.
6. Multiple firearms were seized from the residence, including the firearm that was used to fire upon the law enforcement officers. A swab of the defendant's hand tested positive for the presence of gunshot residue.
7. The evidence against the defendant is overwhelming.

Wherefore, based upon the foregoing, the United States submits that there is clear and convincing evidence that there are no conditions which the Court could place upon the defendant that would reasonably assure the defendant's appearance in Court and the safety of the community. The Government therefore requests that a detention hearing be held and that the defendant be detained pending trial of this matter.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By: /s/ James J. Kelleher
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on May 24, 2018, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ James J. Kelleher

James J. Kelleher

Assistant United States Attorney